

CITY OF NEWARK
DELAWARE

PLANNING AND DEVELOPMENT DEPARTMENT REPORT

June 16, 2023

**ZONING AMENDMENT: AMENDING THE PARKING STANDARD CATEGORIZATION OF
AUTOMOBILE FUELING/SERVICE STATIONS AND RETAIL FOOD STORES**

The Planning and Development Department has prepared the following report to amend *Chapter 32 – Zoning* to change the parking categorization of an automobile/vehicle refueling station to allow an exception for those service stations with limited automobile services offered and where a retail food store is present to be subject to the off-street parking standards of a retail store instead of an automobile service station. The report gives a brief background, reviews current conditions, and provides a recommendation on an ordinance.

Current Zoning

Under the City of Newark Zoning Code, the off-street parking requirement of an “automobile service station” is:

“One off-street parking space per 1,000 square feet of lot area, plus one off-street parking space per employee during period of greatest employment.”

The off-street parking requirement of a “retail store, all types” is:

“One off-street parking space per 200 square feet of floor area used or designed for sales on ground floor, plus one off-street parking space per 300 square feet of floor area used or designed for sales on all other floors, plus one off-street parking space for each employee.”

Background

On February 13, 2023, City Council approved an ordinance amending the name, definition, and special area requirements of the automobile gasoline service station use in the BC – General Business zoning district. As part of those changes, retail food stores were added to the definition of services allowed to be provided by an automobile/vehicle refueling station to better accommodate the modern convenience store and gas station service model typified by a sizable convenience store accompanied by gas pumps.

As a consequence of this change, subsequent development proposals for convenience stores with gas pumps have fallen into the “automobile service station” category for determining parking requirements. This parking requirement, based upon the lot area of the parcel where development is proposed, results in a required number of spaces that is not related to the size of the proposed use and potentially insufficient or excessive for a proposed use.

46 To the best the Planning and Development Department has been able to determine, the previous
47 lot area regulations and the current parking standards placed on automobile service stations were
48 designed around a service model of roadside repair stations paired with the sale of oil and gasoline.
49 An alternative to this service model has been popularized by businesses such as Wawa, Royal Farms,
50 and Dash-In, where fuel sales are offered in tandem with a retail food store instead of a repair shop.
51 It is the Planning and Development Department's belief that the parking requirements of a retail
52 food store, which are based upon the size of the store being proposed, would be more suitable
53 where such a service is offered, where automobile services are limited to the sale of fuel, oil and
54 minor accessories and where no repair services are offered instead of a parking standard that is
55 based on lot area.

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57 Methodology

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59 The Planning and Development Department proposes updating Table 1, which specifies parking
60 standards for various categories of uses, in Section 32-45(a)(1). To amend the table, the Department
61 suggests the following: (New text is underlined.)

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Type of Uses	Standards
Automobile/ <u>vehicle refueling</u> service station or public garage	One off-street parking space per 1,000 square feet of lot area, plus one off-street parking space per employee during period of greatest employment. <u>Exception: If automobile services are limited to the sale of fuel, oil and minor accessories with no repairs performed on site and a retail food store is present, parking may be provided in conformance with the "retail store, all types" standard.</u>

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65 Department Comments

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- 67 1. The Planning and Development Department supports amending Table 1 of Section 32-
68 45(a)(1) to provide an exception for limited automobile/vehicle refueling service stations
69 that include a retail food store to be subject to the "retail store, all types" standard for off-
70 street parking.
- 71 2. The Planning and Development Department notes that the name of the Automobile service
72 station type of use has also been amended to better conform with the language of Section
73 32-4. – Definitions and 32-19(b)(1).
- 74 3. The Planning and Development Department has identified that prior to this code change,
75 convenience stores with gas pumps had been categorized as retail stores for the purpose of
76 parking requirements historically in the review of those developments, which has not
77 presented problems with a lack of or excessive parking for projects.

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80 Recommendation

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82 The Planning and Development Department suggests that the Planning Commission recommend
83 that City Council amend Chapter, 32, Zoning, Article XIV, **Section 32-45(a)(1) Table 1** by adding the
84 following text (shown in italic):

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Type of Uses	Standards
Automobile/ <i>vehicle refueling</i> service station or public garage	One off-street parking space per 1,000 square feet of lot area, plus one off-street parking space per employee during period of greatest employment. <i>Exception: If automobile services are limited to the sale of fuel, oil and minor accessories with no repairs performed on site and a retail food store is present, parking may be provided in conformance with the “retail store, all types” standard.</i>

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